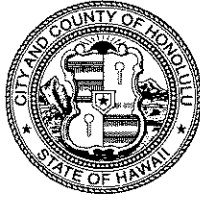


DEPARTMENT OF THE CORPORATION COUNSEL  
**CITY AND COUNTY OF HONOLULU**

530 SOUTH KING STREET, ROOM 110 • HONOLULU, HAWAII 96813  
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MUFU HANNEMANN  
MAYOR



CARRIE K.S. OKINAGA  
CORPORATION COUNSEL

DONNA M. WOO  
FIRST DEPUTY CORPORATION COUNSEL

May 19, 2006

TO: ALL CITY DEPARTMENTS AND AGENCIES

FROM: DIANE T. KAWAUCHI, DEPUTY CORPORATION COUNSEL

SUBJECT: GIFT AND INTERGOVERNMENTAL AGREEMENT  
GUIDELINES

These guidelines are issued to assist executive agencies with the compliance of the recently enacted amendment to our ordinance pertaining to intergovernmental agreements ("IGAs"), Ordinance No. 06-14, and the adoption of revised guidelines for the solicitation and receipt of gifts to the City, Resolution No. 05-349, CD1, FD1. Both documents are attached for your reference. The City Council considered these measures concurrently and enacted the amendatory ordinance and adopted the resolution at the same Council meeting on March 1, 2006; taken together, the ordinance amendment and the resolution were intended to facilitate the processing of intergovernmental grants and to define, as an intergovernmental agreement and not as a gift, offers of travel and lodging for training from other governmental entities.

I. INTERGOVERNMENTAL AGREEMENTS

As a general rule, an agreement that places an obligation on the City between the City and the federal government, the state government, the government of any other state, or a political subdivision of any state, requires City Council consent and approval prior to execution of the agreement. Ordinance No. 06-14 amends the IGA ordinance, Revised Ordinances of Honolulu 1990, Sections 1-8.1, et seq., and provides an exception to this general rule.<sup>1</sup> The

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<sup>1</sup>The amendments to the ordinance pertaining to intergovernmental agreements affected by Ordinance No. 05-040, that address the City's Action Plan for expenditure of certain federal Housing and Urban Development funds, more narrowly impact the Department of Community Services and the Department of Budget and Fiscal Services, and are not discussed in this memorandum.

definition of an IGA now includes (a) an arrangement wherein another government provides training to City personnel alone or in combination with travel and lodging for the City personnel, and (b) an arrangement that is not formalized into a written agreement. In addition, six agencies are excepted from the requirement of prior Council approval and need only submit an annual report to the Council by September 30<sup>th</sup>, detailing the IGA entered into by the agency during the prior fiscal year. As to these six agencies, their IGAs are deemed approved by the Council unless the annual report is not submitted. The six agencies are: Department of Emergency Services, Honolulu Fire Department, Oahu Civil Defense Agency, Department of the Medical Examiner, Honolulu Police Department ("HPD") and the Department of the Prosecuting Attorney.

A short form summary of the IGA provisions as amended by Ordinance No. 06-14 is attached as Exhibit A and includes proposed forms for the annual report and to request approval of an IGA.

## II. GUIDELINES ON THE SOLICITATION AND RECEIPT OF GIFTS

As a general rule, the City Council accepts gifts or donations of money, securities, personal property or real property on behalf of the City and exercises its discretion in determining what items it will accept on behalf of the City. Gifts may not be expended or used prior to acceptance of the gift by Council.

Resolution No. 05-349, CD1, FD1, supersedes the prior 1986 Council policy on the solicitation and receipt of gifts and makes conforming amendments to and reaffirms guidelines for the Community Relations Division of HPD involving the solicitation of gifts and contributions to the Police Activities League and Drug Abuse Resistance Education programs (Resolution No. 89-340) and the guidelines for the Scientific Investigation Section of HPD involving the solicitation and acceptance of gifts and contributions (Resolution No. 94-23), and affirms that the guidelines for the solicitation, receipt and acceptance of monetary donations for the Hanauma Bay Nature Preserve continue in effect (Resolution No. 96-168). In instances where the agency desires immediate expenditure or use of the gift, the revised guidelines provide that the agency may request acceptance of the gift by Council by submission of a proposed resolution to Council for acceptance of the gift.

A short form summary of the policy for solicitation and acceptance of gifts under Resolution No. 05-349, CD1, FD1, is attached as Exhibit B and includes various proposed forms though each agency is encouraged to tailor these

TO: ALL CITY DEPARTMENTS AND AGENCIES

-3-

May 19, 2006

forms to include more fact specific information and to address the specific gift donation situation.

*Diane T. Kawauchi*

DIANE T. KAWAUCHI  
Deputy Corporation Counsel

APPROVED:

*Carrie K. Okinaga*

CARRIE K. S. OKINAGA  
Corporation Counsel

DTK:ct

Attachs.

APPROVED:

*Wayne M. Hashiro*

WAYNE M. HASHIRO, P.E.  
Acting Managing Director

COR-GIFTIGAGUIDELINES.DTK

INTERGOVERNMENTAL AGREEMENT GUIDELINES  
UNDER ORDINANCE NO. 06-14

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1. ESD, HFD, OCDA, MED, HPD, and PAT annually report to the Council by September 30<sup>th</sup>, detailing all IGAs entered into in the prior fiscal year. The IGAs listed in the report are all deemed approved by the Council unless the annual report is not timely filed. These six agencies are excepted from the requirement for prior Council consent or approval under ROH Section 1-8.2(a). A suggested annual report form is attached as Exhibit 1.
2. All other executive agencies must obtain a prior Council ordinance or resolution authorizing the use of or execution of an IGA and if the IGA is in writing, designating who is authorized to execute the agreement on behalf of the City. In addition COR recommends that the authorization to execute a written IGA include language authorizing the execution of the agreement “in substantially the form attached” to the Council authorization and to include the authorization to execute “any incidental or related agreements and documents in furtherance of the agreement.” A sample request and IGA resolution form is attached as Exhibit 2.
3. IGA is defined as an agreement between the City and
  - a. the federal government,
  - b. the state government,
  - c. the government of any other state,
  - d. a political subdivision of any state,
  - e. any combination of the above, or
  - f. a quasi-governmental agency.
4. IGA is defined as an agreement that places an “obligation” on the City. An “obligation” means:
  - a. commitment, promise or similar representation that the City will provide funds, documents, statistical data, or professional or technical service; or
  - b. sending personnel for training provided by the other government.
5. IGA also means an arrangement under which the other government provides training to City personnel alone or in combination with travel and lodging for the City personnel to participate in the training.
6. An arrangement is an IGA even if it is not formalized into a written contract or agreement that is executed by the City and the other government.

(date)

The Honorable Donovan M. Dela Cruz, Chair  
and Members of the City Council  
Honolulu City Council  
Honolulu Hale  
Honolulu, Hawaii 96813

Dear Chair Dela Cruz and Councilmembers:

Re: Annual Report of Intergovernmental Agreements

This report to the Council enumerates all intergovernmental agreements entered into or utilized by the Department of \_\_\_\_\_ in the prior fiscal year ending June 30, \_\_\_\_\_. The report is submitted under the provisions of Section 1-8.2(b), Revised Ordinances of Honolulu. Information on each intergovernmental agreement is set forth in the attached Exhibit A.

Please feel free to speak with \_\_\_\_\_ at phone \_\_\_\_\_, if you have any questions regarding this report.

Sincerely,

Director, Department of \_\_\_\_\_

(To be filed with the Council by ESD, HFD, OCDA, MED, HPD and PAT on or before September 30th listing all intergovernmental agreements entered into or utilized by the agency in the prior fiscal year. The intergovernmental agreements are deemed approved unless the report is not submitted. See paragraph 1 of the Intergovernmental Agreement Guidelines)

**EXHIBIT 1**

ANNUAL REPORT OF INTERGOVERNMENTAL AGREEMENTS  
UNDER ROH SECTION 1-8.2(b)

CITY AGENCY:

FISCAL YEAR ENDING JUNE 30, \_\_\_\_\_:

The following intergovernmental agreements were entered into or utilized by the agency in the previous fiscal year.

Government

Description of Agreement

**EXHIBIT A**  
**(to Exhibit 1)**

(date)

The Honorable Donovan M. Dela Cruz, Chair  
and Members of the City Council  
Honolulu City Council  
Honolulu Hale  
Honolulu, Hawaii 96813

Dear Chair Dela Cruz and Councilmembers:

Re: Request for Council Approval of an Intergovernmental Agreement

We respectfully request the approval by the Council of an intergovernmental agreement between the City and (identify government) for (identify program/event). We attach a proposed resolution for the favorable action of the Council.

Sincerely,

Director, Department of \_\_\_\_\_

(To be submitted to the Council for approval of an intergovernmental agreement by other than the following agencies: ESD, HFD, OCDA, MED, HPD, PAT. If a written intergovernmental agreement is to be executed by the City, the resolution should identify who is authorized to execute the agreement on behalf of the City and also, it is the Council's preference that a copy of the agreement be attached to the resolution. See paragraph 2 of the Intergovernmental Agreement Guidelines)

AUTHORIZING (identify City official) OR THE (City official's) DESIGNEE TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH (identify government) FOR (identify the program/event).

WHEREAS, Chapter 1, Article 8, Revised Ordinances of Honolulu 1990, as amended, requires that any intergovernmental agreement or amendment thereto which places an obligation on the City or any department or agency thereof receive the consent and approval of the Council of the City and County of Honolulu; and

WHEREAS, (describe purpose of agreement); and

WHEREAS, (if applicable describe benefits of program to the City to support request for approval of the agreement); and

WHEREAS, (state other relevant facts); now therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the (identified City official) or the (City official's) designee is hereby authorized to enter into an agreement with (government) in substantially the form attached hereto as Exhibit A, for the implementation of (program/event) as well as any other incidental or related agreements in connection thereto as may reasonably be required; and

BE IT FINALLY RESOLVED that the Clerk is directed to transmit a certified copy of this Resolution to the Director of \_\_\_\_\_.



GUIDELINES FOR SOLICITATION AND ACCEPTANCE OF GIFTS  
UNDER RESOLUTION NO. 05-349, CD1, FD1

1. Executive Agencies Subject to the Guidelines:

“Executive agency” is defined as the Office of the Mayor, a Department, the Neighborhood Commission staff, the Liquor Commission staff, the Royal Hawaiian Band, the Civil Defense Agency, and a board or commission. The group of appointees serving as the policy-making head of the Neighborhood Commission or the Liquor Commission are deemed the executive agency, separate from their respective commission staff.

2. Definition of Gift:

- a. “Gift” is defined as a voluntary contribution to the City for a public purpose whether earmarked for a specific purpose or not, of money, security, personal property or real property.
- b. Gifts made for a specific activity or program or obtained as part of the same solicitation are considered a single gift.
- c. A gift excludes items received in an intergovernmental agreement under ROH Sections 1-8.1, et seq.

3. Anonymous Gifts:

- a. No gift from an anonymous donor shall be solicited, received or accepted unless the gift is (i) donated to the City for an unrestricted purpose, or (ii) expressly approved by the Council.
- b. Unrestricted Gift of Any Value:
  - (i) Immediate Custody: The head of the executive agency may take custody of an anonymous unrestricted gift at any time.
  - (ii) Report: The head of the executive agency shall submit a report of the gift to the Council within 10 days of taking custody of the gift. A suggested report form is attached as Exhibit 3.
  - (iii) Gift Deemed Accepted: The gift is deemed accepted by the Council (i) upon the affirmative acceptance of the gift by Council, or (ii) upon expiration of the 30-day period following the Council’s receipt of the report if the Council does not affirmatively approve or reject the gift within 30 days of the receipt of the report.

- c. Restricted Gift of Any Value: Must be affirmatively accepted by action of the Council but otherwise is to comply with the procedures described in paragraphs 4 and 5 below for gifts valued at \$2,500 or less or gifts valued in excess of \$2,500. A suggested form request to Council and attached resolution is attached as Exhibit 4.
  - d. Elected City Officer: There is an absolute prohibition on the solicitation, receipt or acceptance of an anonymous gift by an elected City executive officer, as the term is defined in ROH Section 3-6.8 and RCH Section 13-101.4 (i.e., the Mayor or the Prosecuting Attorney).
  - e. Hanauma Bay Nature Preserve: There is an exception for anonymous monetary donations for the Hanauma Bay Nature Preserve received in compliance with Resolution No. 96-168 that establishes guidelines for the solicitation, receipt and acceptance of monetary donations for the Hanauma Bay Nature Preserve.
  - f. Identity of Donor: The City executive officer or employee who learns the identity of an anonymous donor shall immediately notify the Mayor, the Council Chair and the Ethics Commission in writing of the identity of the donor.
4. Gifts of \$2,500 or less:
- a. Immediate Custody: The head of the executive agency may take immediate custody of the gift.
  - b. Quarterly Report: The head of the executive agency shall submit to Council a quarterly report listing all gifts taken into custody during the quarter. The report shall be submitted by the second Tuesday after the close of the applicable quarter. A suggested quarterly report form is attached as Exhibit 5.
  - c. Gift Deemed Accepted: A gift listed in a quarterly report is deemed accepted by the Council (i) upon the affirmative acceptance of the gift by Council, or (ii) upon expiration of the 30-day period following the Council's receipt of the report if the Council does not affirmatively accept or reject the gift within 30 days of the receipt of the report.
  - d. Immediate Expenditure or Use: The head of the executive agency who desires immediate expenditure or use of a gift may submit a request to Council for immediate acceptance of a gift with a proposed resolution for acceptance of the gift. The gift is deemed accepted upon adoption of the resolution by Council. See paragraph 7.d. at page 4.

5. Gifts in Excess of \$2,500:

- a. To the extent possible, a report of the gift should be submitted to the Council before the head of the executive agency takes custody of the gift.
- b. Gifts Not Taken into Custody:
  - (i) Report: The head of the executive agency submits a report of the gift to Council before taking custody of the gift. A suggested report form is attached as Exhibit 6.
  - (ii) Acceptance of the Gift: The gift is deemed accepted by the Council (i) upon the affirmative acceptance of the gift by Council, or (ii) upon expiration of the 60-day period following the Council's receipt of the report if the Council does not affirmatively approve or reject the gift within 60 days of the receipt of the report.
- c. Gifts Taken into Custody:
  - (i) Report: Upon taking custody of the gift, the head of the executive agency shall submit a report of the gift to the Council, together with a statement of the Mayor or the MD explicitly recommending that the gift be accepted by the Council, and a proposed resolution accepting the gift. The report and the statement may be consolidated in one document. A statement is not required for a report of a gift by the Mayor. A suggested report form and resolution accepting the gift is attached as Exhibit 7.
  - (ii) Acceptance of the Gift: The gift is deemed accepted by the Council if the Council adopts the resolution within 60 days of the receipt of the report and statement.
  - (iii) Rejection of the Gift: The gift is deemed rejected by the Council (i) upon the affirmative rejection of the gift, or (ii) upon expiration of the 60-day period following the Council's receipt of the report if no action is taken by the Council within the period to approve or reject the gift.

6. Solicitation Guidelines:

- a. Gifts valued at \$2,500 or less: The head of the executive agency must provide notice of the solicitation to the Council no later than 15 days after commencing the solicitation. A suggested notice form is attached as Exhibit 8.

- b. Gifts valued in excess of \$2,500 or of unspecified value: The head of the executive agency shall provide notice of the solicitation to the Council before commencing any solicitation. A suggested notice form is attached as Exhibit 9.
- c. No executive officer or employee having enforcement powers or review authority over any application or permit may solicit gifts to the City. Excluded from this prohibition are applications, solicitations or acceptance of grants from a governmental entity or from a private party.

7. Council Procedure for Gifts

- a. Notification to Donor: Upon taking custody of a gift, the City executive officer shall immediately notify the prospective donor in writing that the gift is subject to acceptance by the Council.
- b. Gift Report: The head of the executive agency is required to file a gift report with the Council only if the recommendation is to accept the gift. If the head of the executive agency is offered or has custody of a gift for which the agency head does not recommend acceptance, the agency head shall refuse the offer or return the gift to the prospective donor.
- c. Use or Expenditure of Gift: The gift may not be used or expended, or authorized for use or expenditure until accepted by the Council.
- d. Acceptance of the Gift by Council: The gift may be deemed accepted by the affirmative adoption of a resolution by the Council, or by the inaction of the Council within the prescribed period of time.
  - (i) If the agency desires immediate utilization of the gift, the agency should solicit Council acceptance of the gift by adoption of a resolution. A suggested form request to Council and attached resolution is attached as Exhibit 10. For gifts valued in excess of \$2,500 and taken into custody by the agency, see paragraph 5.c.(i) above.
- e. Rejection of the Gift by Council:
  - (i) The affirmative rejection of a gift by Council must be by adoption of a resolution.
  - (ii) If the gift that has been taken into custody by the City executive officer has not been expended or used, the City officer shall return the gift to the prospective donor.

- (iii) If the gift is other than cash and cannot be returned, the City executive officer shall pay the prospective donor the value of the gift from available appropriations.
  - (iv) If the gift can be return but at less than full value, the City executive officer shall return the gift together with a cash payment of the reduction in value.
- 8. The deputy head of an executive agency may act for the agency head for purposes of the Resolution.
- 9. Three other resolutions remain in effect with minor revision by the Resolution. They are:
  - a. Resolution No. 89-340: Guidelines for the Community Relations Division of HPD regarding the solicitation of gifts and contributions.
  - b. Resolution No. 94-23: Guidelines for the Scientific Investigation Section of HPD regarding solicitation and acceptance of gifts and contributions.
  - c. Resolution No. 96-168: Guidelines for the solicitation, receipt and acceptance of monetary donations for the Hanauma Bay Nature Preserve.

(date)

The Honorable Donovan M. Dela Cruz, Chair  
and Members of the City Council  
Honolulu City Council  
Honolulu Hale  
Honolulu, Hawaii 96813

Dear Chair Dela Cruz and Councilmembers:

Re: Report of Anonymous Gift for Unrestricted Use and Requested Acceptance

We respectfully request the acceptance by the Council on behalf of the City and County of Honolulu of an anonymously donated gift to the City for an unrestricted use under the provisions of Resolution No. 05-349, CD1, FD1. The gift (has/has not) been taken into custody by the Department.

The gift is (describe the gift and the estimated value of the gift).

Please feel free to speak with \_\_\_\_\_ at phone \_\_\_\_\_, if you have any questions regarding this report.

Sincerely,

Director, Department of \_\_\_\_\_

(To be filed with the Council within 10 days of the agency taking custody of an anonymous gift of any value for an unrestricted use. The gift is deemed accepted upon affirmative acceptance by the Council or by the expiration of 30 days after the filing of this report if the Council within this period does not affirmatively approve or reject the gift. See paragraph 3.b.(ii) and 3.b.(iii) of the Gift Guidelines)

(date)

The Honorable Donovan M. Dela Cruz, Chair  
and Members of the City Council  
Honolulu City Council  
Honolulu Hale  
Honolulu, Hawaii 96813

Dear Chair Dela Cruz and Councilmembers:

Re: Request for Council Acceptance of an Anonymous Gift of Restricted Use

We respectfully request the acceptance by the Council on behalf of the City and County of Honolulu of an anonymously donated gift to the City of (describe gift). This request is made under the provisions of Resolution No. 05-349, CD1, FD1. The Department of \_\_\_\_\_ desires acceptance and utilization of the gift valued at (provide estimated value of the gift) for the Department's (identify the program or intended utilization of the gift). We attach a proposed resolution for the favorable action of the Council.

Sincerely,

Director, Department of \_\_\_\_\_

(To be submitted to the Council for acceptance of an anonymously donated gift for a restricted use. NOTE: If the gift is valued in excess of \$2,500 and the agency has taken custody of the gift, the Mayor or the Managing Director must recommend acceptance of the gift and a signature line for the Mayor or the Managing Director is to be added to this form. See paragraph 3.c. of the Gift Guidelines)

**EXHIBIT 4**

RELATING TO THE ACCEPTANCE OF AN ANONYMOUSLY DONATED GIFT  
TO THE CITY FOR (identify restricted use).

WHEREAS, Section 13-113 of the Revised Charter of the City and County of Honolulu provides for the acceptance of gifts to the City by the Council of the City and County of Honolulu; and

WHEREAS, Resolution No. 05-349, CD1, FD1, establishes a policy of the Council for the solicitation and acceptance of gifts donated to the city executive agencies; and

WHEREAS, the policy requires the affirmative action by the Council for acceptance of an anonymously donated gift for a restricted use; and

WHEREAS, through a letter dated \_\_\_\_\_, the Director of \_\_\_\_\_, has submitted a request to the Council (and approved by the Mayor/Managing Director; this is required if the gift is valued in excess of \$2,500 and the agency has taken custody of the gift) of (describe gift) valued at (state value of the gift) for the Department's (identify the program or intended utilization of the gift); now therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that this body accept the anonymously donated gift valued at (state value) that is more fully described in the above-mentioned letter dated \_\_\_\_\_ from the Director of \_\_\_\_\_; and

BE IT FINALLY RESOLVED that the Clerk is directed to transmit a certified copy of this Resolution to the Director of \_\_\_\_\_.



(date)

The Honorable Donovan M. Dela Cruz, Chair  
and Members of the City Council  
Honolulu City Council  
Honolulu Hale  
Honolulu, Hawaii 96813

Dear Chair Dela Cruz and Councilmembers:

Re: Quarterly Report of Gifts Valued at \$2,500 or Less and Requested  
Acceptance

This report to Council enumerates all gifts taken into custody by the Department of \_\_\_\_\_ for the quarter ending \_\_\_\_\_, 2006. This report is submitted under the provisions of Resolution No. 05-349, CD1, FD1. Information on each gift is set forth in the attached Exhibit A.

We respectfully request the acceptance of (this gift/these gifts) by the Council on behalf of the City and County of Honolulu.

Please feel free to speak with \_\_\_\_\_ at phone \_\_\_\_\_, if you have any questions regarding this report.

Sincerely,

Director, Department of \_\_\_\_\_

(To be filed with the Council to report gifts valued at \$2,500 or less that were taken into custody by the agency during the quarter. The report is to be filed with the Council by the second Tuesday after the close of the applicable quarter. The gifts are deemed accepted upon the affirmative acceptance of the gift by the Council or by the expiration of 30 days after filing of the report if Council does not affirmatively accept or reject the gift within the period. See paragraph 4.b. and 4.c. of the Gift Guidelines)

**EXHIBIT 5**

QUARTERLY REPORT OF GIFTS RECEIVED VALUED AT  
\$2,500 OR LESS UNDER RESOLUTION NO. 05-349, CD1, FD1

CITY AGENCY:

QUARTER ENDING:

The following gifts were taken into custody by the agency in the previous quarter.

<u>Description of the Gift</u>	<u>Donor's Estimated Value of the Gift</u>	<u>Donor</u>
--------------------------------	--	--------------

**EXHIBIT A**  
**(to Exhibit 5)**

(date)

The Honorable Donovan M. Dela Cruz, Chair  
and Members of the City Council  
Honolulu City Council  
Honolulu Hale  
Honolulu, Hawaii 96813

Dear Chair Dela Cruz and Councilmembers:

Re: Report of Gift Valued in Excess of \$2,500 and Requested Acceptance

We respectfully request the acceptance by the Council on behalf of the City and County of Honolulu of a gift to the City valued in excess of \$2,500 under the provisions of Resolution No. 05-349, CD1, FD1. The Department of \_\_\_\_\_ has not taken custody of the gift.

The gift is (describe the gift, state the donor's estimated value of the gift and the name of the donor).

Please feel free to speak with \_\_\_\_\_ at phone \_\_\_\_\_, if you have any questions regarding this report.

Sincerely,

Director, Department of \_\_\_\_\_

(To be submitted to the Council for acceptance of a gift valued in excess of \$2,500 before taking custody of the gift. The gift is deemed accepted by the Council upon affirmative act of the Council accepting the gift, or upon the expiration of 60 days following the filing of this report to the Council if the Council takes no action to accept or reject the gift within this period. See paragraph 5.b. of the Gift Guidelines)

**EXHIBIT 6**

(date)

The Honorable Donovan M. Dela Cruz, Chair  
and Members of the City Council  
Honolulu City Council  
Honolulu Hale  
Honolulu, Hawaii 96813

Dear Chair Dela Cruz and Councilmembers:

Re: Report of Gift Valued in Excess of \$2,500 and Requested Acceptance

We respectfully request the acceptance by the Council on behalf of the City and County of Honolulu of a gift to the City valued in excess of \$2,500 under the provisions of Resolution No. 05-349, CD1, FD1. A proposed resolution accepting the gift is attached for the Council's favorable consideration. The Department of \_\_\_\_\_ has taken custody of the gift. The recommendation of the (Mayor/Managing Director) for acceptance of the gift is evidenced by his signature below.

The gift is (describe the gift, state the donor's estimated value of the gift and the name of the donor).

Please feel free to speak with \_\_\_\_\_ at phone \_\_\_\_\_, if you have any questions regarding this report.

Sincerely,

Director, Department of \_\_\_\_\_

Recommend Acceptance:

\_\_\_\_\_  
(Mayor/Managing Director)

(To be submitted to the Council for acceptance of a gift valued in excess of \$2,500 that has been taken into custody by the agency. The Mayor or the Managing Director must state his recommendation for acceptance of the gift. The gift is deemed accepted by adoption of the resolution within 60 days of the receipt of the report. The gift is deemed rejected upon the affirmative rejection of the gift by Council or upon the expiration of the 60-day period following Council's receipt of the report if no action is taken by the Council within the period to accept or reject the gift. See paragraph 5.c. of the Gift Guidelines)

RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FOR (identify program and date of event).

WHEREAS, Section 13-113 of the Revised Charter of the City and County of Honolulu provides for the acceptance of gifts to the City by the Council of the City and County of Honolulu; and

WHEREAS, Resolution No. 05-349, CD1, FD1, establishes a policy of the Council for the solicitation and acceptance of gifts donated to the City executive agencies; and

WHEREAS, the policy provides for acceptance of the gift by affirmative action by the Council; and

WHEREAS, through a letter dated \_\_\_\_\_, the Director of \_\_\_\_\_, has submitted a request for acceptance of a gift to the Council and approved by the (Mayor/Managing Director) of (describe gift) valued at (state value of the gift) for the Department's (identify the program and the date of the event); now therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that this body accept the gift valued at (state value) from (identify donor) that is more fully described in the above-mentioned letter dated \_\_\_\_\_ from the Director of \_\_\_\_\_; and

BE IT FINALLY RESOLVED that the Clerk is directed to transmit a certified copy of this Resolution to the Director of \_\_\_\_\_.

(date)

The Honorable Donovan M. Dela Cruz, Chair  
and Members of the City Council  
Honolulu City Council  
Honolulu Hale  
Honolulu, Hawaii 96813

Dear Chair Dela Cruz and Councilmembers:

Re: Notice of Solicitation of Gifts Valued at \$2,500 or Less

This will provide notice to the Council under the provisions of Resolution No. 05-349, CD1, FD1, that the Department of \_\_\_\_\_ (has commenced/will commence) the solicitation of gifts to the City that are estimated in the aggregate to be valued at \$2,500 or less for the Department's (describe program/event).

Please feel free to speak with \_\_\_\_\_ at phone \_\_\_\_\_, if you have any questions regarding this notice.

Sincerely,

Director, Department of \_\_\_\_\_

(To be submitted to the Council as notice of the agency's solicitation of gifts to the City where the gifts are valued in the aggregate at \$2,500 or less. The notice is to issue no later than 15 days after the commencement of the solicitation. See paragraph 6.a. of the Gift Guidelines)

(date)

The Honorable Donovan M. Dela Cruz, Chair  
and Members of the City Council  
Honolulu City Council  
Honolulu Hale  
Honolulu, Hawaii 96813

Dear Chair Dela Cruz and Councilmembers:

Re: Notice of Solicitation of Gifts Valued in Excess of \$2,500

This will provide notice to the Council under the provisions of Resolution No. 05-349, CD1, FD1, that the Department of \_\_\_\_\_ will commence the solicitation of gifts to the City that are estimated in the aggregate to be valued in excess of \$2,500 for the Department's (describe program/event).

Please feel free to speak with \_\_\_\_\_ at phone \_\_\_\_\_, if you have any questions regarding this notice.

Sincerely,

Director, Department of \_\_\_\_\_

(To be submitted to the Council as notice of the agency's solicitation of gifts to the City where the gifts are valued in the aggregate in excess of \$2,500. The notice is to issue before the commencement of the solicitation. See paragraph 6.b. of the Gift Guidelines)

(date)

The Honorable Donovan M. Dela Cruz, Chair  
and Members of the City Council  
Honolulu City Council  
Honolulu Hale  
Honolulu, Hawaii 96813

Dear Chair Dela Cruz and Councilmembers:

Re: Request for Council Acceptance of a Gift to the City

We respectfully request the acceptance by the Council on behalf of the City and County of Honolulu of a gift to the City from (identify donor) of (describe gift). This request is made under the provisions of Resolution No. 05-349, CD1, FD1. The Department of \_\_\_\_\_ desires (expenditure/utilization) of the gift valued at (provide estimated value of the gift) for the Department's (describe program/event including the date of the desired expenditure). We attach a proposed resolution for the favorable action of the Council.

Please feel free to speak with \_\_\_\_\_ at phone \_\_\_\_\_, if you have any questions regarding this report.

Sincerely,

Director, Department of \_\_\_\_\_

(To be submitted to the Council for acceptance of a gift that the agency desires to expend immediately or prior to the expiration of the stated period after which a gift is deemed accepted by the Council under Resolution No. 05-349, CD1, FD1. NOTE: If the gift is valued in excess of \$2,500 and the agency has taken custody of the gift, see paragraph 5.c.(i) of the Gift Guidelines and the suggested form therein. This form may be used for acceptance of a gift valued at \$2,500 or less, for a gift valued in excess of \$2,500 and not taken into custody by the agency, and for an anonymous gift of any value that is unrestricted in use. See paragraph 7.d. of the Gift Guidelines)



RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FOR (identify program and date of event).

WHEREAS, Section 13-113 of the Revised Charter of the City and County of Honolulu provides for the acceptance of gifts to the City by the Council of the City and County of Honolulu; and

WHEREAS, Resolution No. 05-349, CD1, FD1, establishes a policy of the Council for the solicitation and acceptance of gifts donated to the City executive agencies; and

WHEREAS, the policy provides for acceptance of the gift by affirmative action by the Council; and

WHEREAS, through a letter dated \_\_\_\_\_, the Director of \_\_\_\_\_, has submitted a request to the Council (and approved by the Mayor/Managing Director; this is required if the gift is valued in excess of \$2,500 and the agency has taken custody of the gift) of (describe gift) valued at (state value of the gift) for the Department's (identify the program and the date of the event); now therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that this body accept the gift valued at (state value) from (identify donor) that is more fully described in the above-mentioned letter dated \_\_\_\_\_ from the Director of \_\_\_\_\_; and

BE IT FINALLY RESOLVED that the Clerk is directed to transmit a certified copy of this Resolution to the Director of \_\_\_\_\_.



## A BILL FOR AN ORDINANCE

RELATING TO INTERGOVERNMENTAL RELATIONS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to address intergovernmental agreements and related documentation. In particular, it relaxes the requirement of prior council approval for certain intergovernmental agreements and makes minor clarifying amendments.

This ordinance also includes in the definition of "intergovernmental agreement" any arrangement between the city and a governmental or quasi-governmental entity under which the entity provides training, including ancillary travel and lodging, to city personnel, whether or not the arrangement is formalized in an executed instrument. The council intends that this ordinance be construed as granting the council's blanket approval to any such intergovernmental agreement utilized by a department listed under Section 1-8.2(b), ROH, as well as any other type of intergovernmental agreement placing an obligation upon that department. The council intends that such a department may send personnel to training under an agreement without need for further council approval of that agreement.

SECTION 2. Section 1-8.1, Revised Ordinances of Honolulu 1990, as amended, is amended by amending the definitions of "intergovernmental agreement" and "obligation" as follows:

"Intergovernmental agreement" means any instrument in the nature of a contract, compact, memorandum of understanding or agreement which is intended to be executed between the city and either the federal government, the state government, the government of any other state, any political subdivision of any state, any combination thereof or with a quasi-governmental agency. "Intergovernmental agreement" also means any arrangement between the city and a governmental entity listed above under which the governmental entity provides training to city personnel, alone or in combination with travel and lodging for the city personnel to participate in the training. To be deemed an "intergovernmental agreement," such an arrangement need not be formalized in a contract, compact, memorandum of understanding, or agreement that is executed between the city and governmental entity.

"Obligation" means any commitment, promise or similar representation contained in an intergovernmental agreement that the city or any agency thereof will provide either funds, documents, statistical data, or any professional or technical service to any other



## A BILL FOR AN ORDINANCE

governmental or quasi-governmental agency[.] or send personnel to training provided by such an agency."

SECTION 3. Section 1-8.2, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

**"Sec. 1-8.2 Intergovernmental relations—Effects of.**

- (a) [Signature Authorization.] Except for those exempted under subsection (b), [Any] any intergovernmental agreement, or any amendments thereto, which place[s] an obligation upon the city or any department or agency thereof shall require prior city council's consent and approval. City council's consent and authorization as well as the designated official authorized to execute the intergovernmental agreement in behalf of the City and County of Honolulu shall be contained in the form of either an ordinance or resolution.
- [(b) Transmittal by Resolution.] When carrying out the provisions of any intergovernmental agreement entered into in accordance with this [article,] subsection, all applications and/or amendments thereof, statistical data programs, reports or other official communications which support the application and which are required to be provided by the city or its component departments to any other governmental or quasi-governmental agency shall first be presented to the city council for its review and approval prior to its transmittal. Council's consent and authorization shall be through adoption of an appropriate resolution.
- (b) In lieu of the requirements of subsection (a), the following departments shall submit an annual report to the council by September 30 detailing all intergovernmental agreements placing obligations upon them that were entered into or utilized during the previous fiscal year:
- (1) Department of Emergency Services;
  - (2) Honolulu Fire Department;
  - (3) Oahu Civil Defense Agency;
  - (4) Department of the Medical Examiner;
  - (5) Honolulu Police Department; and
  - (6) Department of the Prosecuting Attorney.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE **06 - 14**

BILL **14 (2006), FD1, CD1**

## **A BILL FOR AN ORDINANCE**

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The intergovernmental agreements subject to this subsection shall be deemed approved by the council unless such report is not submitted."

SECTION 4. Ordinance material to be repealed is bracketed. New ordinance material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE 06 - 14

BILL 14 (2006), FD1, CD1

**A BILL FOR AN ORDINANCE**

SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Donovan Dela Cruz

Ann Kobayashi

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE OF INTRODUCTION:

January 19, 2006  
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

*Amey R. Gable*  
Deputy Corporation Counsel

APPROVED this 15<sup>th</sup> day of March, 2006.

*Mufi Hannemann*  
MUFU HANNEMANN, Mayor  
City and County of Honolulu

(OCS/022306/ct)

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

ORDINANCE **06 - 14**

BILL **014 (2006)**

Introduced: 1/19/06 By: DONOVAN DELA CRUZ

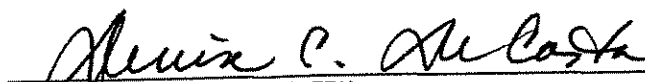
Committee: BUDGET

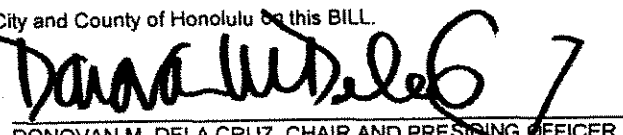
Title: A BILL FOR AN ORDINANCE RELATING TO INTERGOVERNMENTAL RELATIONS.

Links: BILL 014 (2006)  
BILL 014 (2006), FD1  
BILL014 (2006), FD1, CD1  
CR-60

Council	1/25/06	Bill passed first reading and referred to Committee on Budget. Apo Y Cachola Y Dela Cruz Y Djou Y Garcia ..... Y Kobayashi Y Marshall Y Okino Y Tam Y
Budget	02/01/06	CR-60 - Bill reported out of committee for passage on second reading and scheduling of a public hearing.
Publish	2/4/06	Public hearing notice published in the Honolulu Star-Bulletin.
Council/Public Hearing	2/15/06	CR-60 adopted. Bill amended to FD1 on the Council floor and subsequently passed second reading, as amended (Bill 14, FD1). Public hearing closed and referred to Budget Committee. Apo Y Cachola Y Dela Cruz Y Djou Y Garcia ..... Y Kobayashi Y Marshall Y Okino Y Tam Y
Publish	2/18/06	Second reading notice published in the Honolulu Star-Bulletin.
Budget	2/22/06	CR -112 - Bill reported out of committee for passage on third reading as amended in FD1, CD1 form.
Council	3/1/06	Bill passed third reading, as amended (FD1, CD1) and CR-112 adopted. (Bill 14, FD1, CD1) Apo Y Cachola Y Dela Cruz Y Djou Y Garcia ..... Y Kobayashi Y Marshall Y Okino Y Tam Y

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

  
DENISE C. DE COSTA, CITY CLERK

  
DONOVAN M. DELA CRUZ, CHAIR AND PRESIDING OFFICER

**06 - 14**



## **RESOLUTION**

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REVISING THE GUIDELINES FOR THE SOLICITATION AND RECEIPT OF GIFTS ON BEHALF OF THE CITY, SUPERSEDING RESOLUTION 86-298 AND RESOLUTION 06-049, AND AMENDING RESOLUTIONS 89-340, 94-23, AND 96-168.

WHEREAS, Section 13-113 of the Charter states:

The council, on behalf of the city, may accept gifts or donations of money, securities or other personal property or of real estate or any interest in real estate.

and

WHEREAS, the provision is interpreted as requiring the council to formally accept a gift of cash or tangible property before it may be expended or used by a city agency, officer, or employee; and

WHEREAS, guidelines for the solicitation and receipt of gifts by city executive agencies were set forth in Resolution 86-298, adopted on September 17, 1986; and

WHEREAS, since September 1986, the guidelines of Resolution 86-298 were modified only four times: once under Resolution 89-340 for the Honolulu police department's PAL and DARE programs, again under Resolution 94-23 for the Honolulu police department's scientific investigation section, again under Resolution 96-168 for monetary donations into a "donation box" at the Hanauma Bay Nature Preserve, and lastly under Resolution 06-049 to exempt intergovernmental training; and

WHEREAS, gifts to the city are beneficial because they promote or assist public programs and projects and reduce the need for expenditure of public funds; and

WHEREAS, despite the public benefits, gifts offered to the city must be scrutinized by the council to assure that they do not raise conflict of interest problems, special treatment concerns, or other ethical issues; and

WHEREAS, thus, the council finds that its review and approval authority over gifts offered to the city executive branch should be strengthened; now, therefore,

BE IT RESOLVED that the Council of the City and County of Honolulu approves the attached Exhibit A as the guidelines for the solicitation and receipt of gifts to the city; and



## **RESOLUTION**

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BE IT FURTHER RESOLVED that Resolution 86-298 and Resolution 06-049 are superseded by this Resolution and declared null and void as of the effective date of this Resolution; and

BE IT FURTHER RESOLVED that this Resolution shall take effect on April 1, 2006; and

BE IT FURTHER RESOLVED that Resolution 89-340, relating to the solicitation and receipt of gifts for the PAL and DARE programs, attached as Exhibit B, and Resolution 94-23, relating to the solicitation and receipt of gifts for the scientific investigation section of the Honolulu police department, attached as Exhibit C, are amended as follows:

- (1) Item 2 of the first "Resolved" paragraph of each Resolution is amended by substituting the following language for the present language:

2. That notices to the council of such solicitations need not be submitted pursuant to paragraph 2.a of Resolution 05-349 if the solicitation efforts are conducted in compliance with this Resolution.

- (2) Item 2 of the second "Resolved" paragraph of each Resolution is amended by substituting "Resolution 05-349" for "paragraph 3 or 4 of Resolution 86-298"; and
- (3) Item 3 of the second "Resolved" paragraph of each Resolution is amended by substituting "Chapter 6, Article 5," for "Chapter 5, Article 7";

and

BE IT FURTHER RESOLVED that Resolution 96-168, relating to the solicitation, receipt, and acceptance of monetary donations for the Hanauma Bay Nature Preserve, attached as Exhibit D, is amended as follows:

- (1) The guidelines established under Resolution 96-168 are declared to be separate from Resolution 86-298 and in continued force and effect after the repeal of Resolution 86-298; and





**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

No. 05-349, CD1, FD1

## **RESOLUTION**

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- (2) The second sentence of section 5.a of the first "Resolved" paragraph is amended by substituting "Resolution 05-349" for "paragraphs 1 to 4 of Resolution 86-298";

and

BE IT FURTHER RESOLVED that, with respect to a gift to the council, the council officer who is offered the gift shall be responsible for submitting it to the council for acceptance, and the ethical standards of conduct established by the charter, ordinance, or ethics commission regarding the solicitation, acceptance, and receipt of gifts shall apply to council officers and employees; and

BE IT FINALLY RESOLVED that the clerk is directed to transmit certified copies of this Resolution to the Mayor and every other "head of an executive agency" as defined in Exhibit A.

INTRODUCED BY:

Charles Djou

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\_\_\_\_\_

Councilmembers

DATE OF INTRODUCTION:

October 21, 2005  
Honolulu, Hawaii

(OCS/030106/ct)

# REVISED POLICY ON SOLICITATION, RECEIPT, AND ACCEPTANCE OF GIFTS

## I. General

### 1. Definitions.

"Anonymous unrestricted gift" means a gift to the city from an anonymous donor that has no restrictions on its expenditure or use.

"City executive officer or employee" means an "officer" or "employee," as defined under section 3-6.8, Revised Ordinances of Honolulu 1990, of the executive branch.

"Day" means calendar day.

"Executive agency" means the office of the mayor, a department, the neighborhood commission staff, the liquor commission staff, the royal Hawaiian band, the civil defense agency, and a board or commission. For this Resolution, the group of appointees serving as the policy-making head of the neighborhood commission or liquor commission shall be deemed an "executive agency" separate from the commission staff.

"Gift" means any voluntary contribution of money, securities, other personal property, or of real estate or any interest in real estate to the city for a public purpose, made gratuitously and without consideration, whether earmarked for a specific purpose or not. "Gift" does not mean any "intergovernmental agreement" subject to Chapter 1, Article 8, Revised Ordinances of Honolulu 1990. All gifts provided for a specific city-sponsored activity or program or obtained as part of the same solicitation shall be considered as a single gift.

"Head of an executive agency" means the following: mayor with respect to the office of the mayor; chair with respect to a board or commission; and administrative head with respect to any other executive agency.

"Report" means a written report on a gift that includes the name and address of the prospective donor if known, the gift's description, its intended purpose, its estimated or actual value, and any requirement for its acceptance, maintenance, or eventual disposition by the city.

"Value" means the actual or assessed monetary value of a gift. If the value of a gift is not known, a reasonable estimate of its value shall be made by the intended recipient. In all instances, the gift shall be categorized as either valued in excess of \$2,500 or as valued at or below that amount. A description of the gift also shall be recorded in sufficient detail as to enable its relative value to be assessed.

## EXHIBIT A

2. Common provisions.

a. Solicitation, receipt and acceptance of gifts to the city. When an executive agency desires to solicit gifts to the city, the head of the executive agency shall submit to the council a written notice of the solicitation. If the solicitation is for gifts valued in excess of \$2,500 or gifts of any or unspecified value, the head of the executive agency shall submit the notice before engaging in any solicitation effort. If the solicitation is only for gifts valued at \$2,500 or less, the head of the executive agency shall submit the notice no later than 15 days after such solicitation is first made.

No city executive officer or employee having enforcement powers or review authority over any application or permit shall solicit gifts to the city; provided that this provision shall not prohibit a city executive officer or employee from applying for, soliciting, or accepting any grant from a governmental or private party.

A city executive officer or employee shall not solicit, receive, or accept any gift to the city under circumstances that in fact or in appearance:

- (1) Rewards, influences, or tends to impair the judgment of any city executive officer or employee in the performance of the officer's or employee's official duties; or
- (2) Provides special consideration, treatment, advantage, privilege, or exemption for or coerces a potential donor.

The ethics commission shall establish, as needed, standards of conduct for city executive officers and employees who deal with any person or entity who has provided, is solicited to provide, or intends to provide a gift to the city.

b. Unacceptable gifts.

No gift shall be taken into custody or accepted that imposes an onerous requirement for its acceptance, maintenance, or eventual disposition by the city.

No gift from an anonymous donor shall be solicited, received, or accepted, except when either (1) donated to the city for an unrestricted purpose or (2) expressly approved by the council. Any monies donated anonymously to the city shall be deposited into the general fund, unless otherwise provided herein. This provision does not apply to the guidelines established under Resolution 96-168 (providing guidelines for the solicitation, receipt, and acceptance of monetary donations for the Hanauma Bay Nature Preserve) which shall continue to be in force and effect.



Additionally, no gift from an anonymous donor shall be solicited, received, or accepted by an elected city executive officer under any circumstance.

No gift shall be accepted from a donor who, in the council's opinion, may lack the requisite capacity to understand the nature of the donor's action in making the gift.

This subparagraph b shall not be deemed exclusive. The council shall have full discretion to reject any gift, whether listed under this subparagraph or not.

c. Application. These provisions shall apply except where more restrictive ordinances, rules, or administrative policies are in effect and except in the case of intergovernmental training, including travel, lodging, and classes, which shall not be deemed a "gift." Except as otherwise provided under paragraph 2.b for an anonymous gift, monetary gifts shall be deposited into (1) the general trust fund and be administered in accordance with Chapter 6, Article 5, of the Revised Ordinances of Honolulu or (2) an appropriate special trust fund or account and be administered in accordance with the terms of the gift.

d. Notification of prospective donor that gift must be accepted by council. A city executive officer, upon taking custody of a gift, shall immediately notify the prospective donor in writing that the gift is subject to acceptance by the council; except that this requirement shall not apply if the donor is anonymous and the anonymous gift is permitted to be taken into custody under this Resolution.

e. Filing or submittal of report on gift only if recommended to be accepted. The head of an executive agency shall file or submit a report on a gift to the council only if recommending that the council accept the gift.

If the head of an executive agency is offered or has custody of a gift that the head does not want to recommend for acceptance, the head shall refuse the gift or return the gift to the prospective donor.

f. Copy of report on gift or other document to city clerk -- Availability as public record. When the head of an executive agency or other city executive officer or employee submits to the council a report on a gift or other document required under this Resolution, the head or other city executive officer or employee shall simultaneously submit a copy of the report or document to the city clerk. Upon receipt of a copy of the report or document, the city clerk shall immediately make it available as public record.

g. A gift may be expended or used only after acceptance by the council. A city executive officer may expend, use, or authorize the expenditure or use of a gift only after it has been accepted by the council.

h. Return of rejected gift. If a gift is taken into custody by a city executive officer, but rejected by the council before expenditure or use, the city executive officer shall return the gift to the prospective donor. If the gift is other than cash and cannot be returned, the city executive officer shall pay to the prospective donor cash equaling the value of the gift from available appropriations. If the gift can be returned, but at less than full value, the city executive officer shall return the gift with cash equaling the difference between the full value and residual value as estimated by the city executive officer.

i. Notice when identity of anonymous donor becomes known. If a city executive officer or employee learns of the identity of an anonymous donor of a gift to the city, the city executive officer or employee shall immediately notify in writing the mayor, council chair, and ethics commission.

j. Deputy head of executive agency may act for head. The deputy head of an executive agency may act in place of the head of that executive agency for the purpose of this Resolution.

## **II. Executive Branch**

3. Gift valued at \$2,500 or less that is not an anonymous unrestricted gift.

a. This paragraph 3 shall apply to a gift valued at \$2,500 or less that is not an anonymous unrestricted gift. The following provisions of this paragraph 3 shall be read as applying only to such a gift.

b. The head of an executive agency to which a gift valued at \$2,500 or less is intended to be donated may take immediate custody of the gift. Upon taking custody, the head of the executive agency shall ensure that the intended gift is properly maintained, secured, and protected.

c. The head of an executive agency shall submit to the council for each quarter a report listing all gifts valued at \$2,500 or less that were taken into custody for the executive agency during that quarter. The quarterly report shall be submitted by the second Tuesday after the close of the applicable quarter.

d. A gift listed in a quarterly report shall be deemed accepted by the council on behalf of the city if the council, within 30 days of receipt of the report, either:

(1) Approves the acceptance of the gift; or

(2) Does not affirmatively reject the gift.

The gift shall be deemed accepted by the council upon approval of acceptance or, if not approved or rejected within the 30-day period, at the end of the 30<sup>th</sup> day.

e. If the head of an executive agency desires to expend or use a gift valued at \$2,500 or less during the same quarter in which donated, the head may submit to the council a report requesting immediate acceptance of the gift and a proposed resolution expressing council acceptance of it. Such a gift shall be deemed accepted by the council upon approval of acceptance.

4. Gift valued in excess of \$2,500 that is not an anonymous unrestricted gift and that is not taken into custody before submittal of report.

a. Paragraphs 4 and 5 shall apply to a gift valued in excess of \$2,500 that is not an anonymous unrestricted gift. The following provisions of paragraphs 4 and 5 shall be read as applying only to such a gift.

b. To the extent possible, the head of an executive agency to which a gift valued in excess of \$2,500 is intended to be donated shall, before taking custody of the gift, submit to the council a report on the gift.

c. A gift valued in excess of \$2,500, a report on which is submitted to the council before being taken into custody, shall be deemed accepted by the council on behalf of the city if the council, within 60 days of receipt of the report, either:

- (1) Approves the acceptance of the gift; or
- (2) Does not affirmatively reject the gift.

The gift shall be deemed accepted by the council upon approval of acceptance or, if not approved or rejected within the 60-day period, at the end of the 60<sup>th</sup> day.

The head of the recipient-executive agency shall not take custody of the gift until it is accepted by the council.

5. Gift valued in excess of \$2,500 that is not an anonymous unrestricted gift and that is taken into custody before submittal of report.

a. See paragraph 4.a for the type of gift to which this paragraph 5 is applicable.

b. If the head of an executive agency takes custody of a gift valued in excess of \$2,500 before submitting a report on the gift to the council, the head shall, upon taking custody of the gift, submit to the council a report on the gift and statement of the mayor or managing director explicitly recommending that the gift be accepted by the

council. The report and statement shall be submitted simultaneously and may be consolidated. If the mayor is the "head of the executive agency" who submits to the council a report on a gift, the separate statement from the mayor or managing director shall not be required. The head also shall submit with the report and statement a proposed resolution expressing council acceptance of the gift.

c. A gift, and the report and statement on which are submitted to the council pursuant to subparagraph b, shall be deemed accepted by the council on behalf of the city if the council, within 60 days of receipt of the report and statement, approves the acceptance of the gift.

The gift shall be deemed accepted by the council only upon the approval of acceptance.

If, within the 60-day period, the council affirmatively rejects or otherwise fails to approve the gift, the gift shall be deemed rejected on the date of rejection or on the 60<sup>th</sup> day, as the case may be.

6. Anonymous unrestricted gift valued at any amount.

a. This paragraph 6 shall apply to an anonymous unrestricted gift valued at any amount.

A gift from an anonymous donor for a specific purpose shall be subject to the applicable of the preceding paragraphs under part II of this Resolution; except that such a gift shall be expressly approved by the council as required by paragraph 2.b and not deemed accepted because of council inaction.

b. The head of an executive agency may take custody of an anonymous unrestricted gift at any time and shall, within 10 days of taking custody, submit a report on the gift to the council.

c. An anonymous unrestricted gift, the report on which is submitted to the council within the 10-day period, shall be deemed accepted by the council on behalf of the city if the council, within 30 days of receipt of the report, either:

- (1) Approves the acceptance of the gift; or
- (2) Does not affirmatively reject the gift.

The gift shall be deemed accepted by the council upon approval of acceptance or, if not approved or rejected within the 30-day period, at the end of the 30<sup>th</sup> day.



7. Implementation. The mayor or the mayor's designee shall develop forms and procedures as deemed necessary to implement the purposes of this Resolution for the executive branch.

### **III. Council Resolution For Approval Of Acceptance Or Affirmative Rejection Of Gift**

8. The council shall express its affirmative rejection of a gift by adoption of a resolution and may express its approval of acceptance of a gift by adoption of a resolution.

### **IV. Transition**

9. This Resolution shall apply to a gift valued in excess of \$2,500, the report on which is submitted to the council on or after the effective date of this Resolution.

This Resolution also shall apply to a gift valued at \$2,500 or less that is taken into custody by an executive agency on or after the effective date of this Resolution.

10. A gift valued at \$1,000 or less that has been taken into custody by an executive agency in accordance with Resolution 86-298, as amended by Resolution 06-049, between January 1, 2006 and the day before the effective date of this Resolution shall be subject to this Resolution and listed in the quarterly report due by the second Tuesday in April 2006.

A gift valued in excess of \$1,000 that is pending before the council on the day before the effective date of this Resolution shall be subject to Resolution 86-298, as amended by Resolution 06-049, notwithstanding the second "resolved" paragraph of this Resolution.

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## RESOLUTION

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GUIDELINES FOR THE COMMUNITY RELATIONS DIVISION OF THE HONOLULU POLICE DEPARTMENT REGARDING THE SOLICITATION OF GIFTS AND CONTRIBUTIONS.

WHEREAS, the Community Relations Division of the Honolulu Police Department organizes and maintains numerous youth-oriented activities and educational programs; and

WHEREAS, the Community Relations Division's primary function is not law enforcement, but it is authorized and constituted to provide community services and to promote crime prevention through educational awareness programs; and

WHEREAS, two very important and successful community programs under the Community Relations Division are the Police Activities League (PAL) program which provides organized sports programs throughout the year to boys and girls living in various Oahu communities and the Drug Abuse Resistance Education (DARE) program which provides anti-drug classes to fifth graders in public and private schools; and

WHEREAS, since the Dare program is run entirely in-house, the Community Relations Division relies primarily upon the generous gifts and contributions from individuals and corporations to support the Dare program and also to supplement the City funding of the Pal program; and

WHEREAS, Resolution 86-298 provides guidelines regarding the solicitation and receipt of gifts by the City and its executive agencies and effectively prohibits members of the Honolulu Police Department and its Community Relations Division from actively soliciting gifts and contributions from the community to support the youth programs; and

WHEREAS, the intent of this Resolution is to set forth guidelines under which the Community Relations Division may work with volunteer organizations which will solicit gifts and contributions to support the Division's PAL and DARE youth programs in particular and the Division's community programs in general; and

WHEREAS, enabling the Community Relations Division of the Honolulu Police Department to work with volunteer organizations is necessary for the continued success of the youth programs and has the salutary benefit of allowing the Division to establish direct community support and participation; and

CW

## RESOLUTION

WHEREAS, the purpose and intent of this Resolution is justified in light of the benefits to be received by our youths and our community and is in keeping with the requirements of Resolution 86-298 and the Ethics Commission's Guidelines on Gifts since neither the Honolulu Police Department nor its Community Relations Division will be actively soliciting gifts and contributions from the community; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that consistent with the purposes of Resolution 86-298, the Council hereby sets forth specific guidelines for the Community Relations Division of the Honolulu Police Department, as specified in this Resolution, to work with volunteer organizations which will solicit gifts and contributions for the Division's youth and community programs:

1. That the Community Relations Division of the Honolulu Police Department, shall be allowed to work with volunteer organizations which will solicit gifts and contributions from individuals, community organizations, and profit or nonprofit corporations for the sole purpose of supporting the youth and community programs in the manner set forth below;

2. That this Resolution shall satisfy the requirements of subparagraph 2a of Resolution 86-298 regarding prior Council approval before soliciting gifts and contributions and submitting public notice in a newspaper of general circulation;

and

BE IT FURTHER RESOLVED that the Council does hereby authorize the Community Relations Division of the Honolulu Police Department to work with volunteer organizations which will solicit gifts and contributions for the PAL and DARE youth programs and other community programs subject to the Division's compliance with the following conditions:

1. Only the Division Commander of the Community Relations Division and the respective supervising officers in charge of the youth and community programs shall be allowed to present the program needs to the volunteer organization and only members of the volunteer organization shall be allowed to solicit gifts and contributions for the respective programs in the manner set forth below:

that notice  
to Council or  
such solicitation  
need not be  
submitted  
pursuant to  
paragraph 2a  
of Reso 86-298  
if the solicitation  
efforts are  
conducted in  
compliance  
with this Reso

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## RESOLUTION

a. The division commander or supervising officer of the respective community program shall be allowed to meet directly with the coordinator or head of the volunteer organization and shall only present the nature and scope of the respective community program.

b. Only members of the volunteer organization shall contact potential donors to solicit gifts and contributions for the respective community program.

c. The division commander shall advise the voluntary organization in writing to primarily solicit goods and services for the youth and community programs; provided, however, should monetary gifts be received, the voluntary organization shall be requested to receive such monetary gifts in the form of bank checks made payable to the City Director of Finance and earmarked for the respective Division's youth or community program.

d. The division commander shall further inform the volunteer organization in writing that prospective donors with contracts or applications pending before the City shall not be solicited and that gifts and contributions from such donors shall be returned. In this regard, the volunteer organization shall be requested to maintain a record of all such gifts, contributions, and pledges received and to transmit such record to the division commander of the Community Relations Division for examination.

e. The division commander shall ensure that the division commander's and/or supervising officer's normal work duties do not directly affect the members of the volunteer organization and that the members of the volunteer organization do not have any contracts or applications pending before the City.

f. The Community Relations Division shall work with the Ethics Commission to develop additional written guidelines for approaching and presenting the community program needs to the volunteer organization.

2. The Community Relations Division shall be required to obtain the Council's approval of all gifts, pursuant to paragraph 3 or 4 of Resolution 86-298, whichever is applicable based on the value of the gift, and shall ensure that the gift or contribution is properly maintained, secured, and protected in such manner so as to enable the Division to return the proposed gift or contribution should the Council decide not to accept the gift;

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## RESOLUTION

3. Monetary gifts which are accepted by the Council shall be deposited into the General Trust Fund and be administered in accordance with Chapter 5, Article 7, of the Revised Ordinances of Honolulu;

*Chapter 6,  
Article 5*

4. Nothing in this Resolution shall be deemed to exempt the Honolulu Police Department and its Community Relations Division from any provision, requirement, guideline, or standard as may be established by the Managing Director or Ethics Commission for the conduct of City employees, including but not limited to, the standards of conduct to ensure that the receipt of any gift or contribution on behalf of the City shall not give the appearance of influencing or impairing the judgment of the Honolulu Police Department in the performance of its official duties;

5. These provisions shall apply except where more restrictive ordinances, rules, or administrative policies are in effect;

and

## RESOLUTION

BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that the Clerk is hereby authorized to transmit copies of this Resolution to the Mayor and the Chief of Police.

INTRODUCED BY:

Rene Mansho

Councilmembers

DATE OF INTRODUCTION:

JUL 19 1989  
Honolulu, Hawaii

(OCS/052589/ec)

- 5 -

### CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

I hereby certify that the foregoing RESOLUTION was adopted by the COUNCIL OF THE CITY AND COUNTY OF HONOLULU on the date and by the vote indicated to the right.

ATTEST:

Raymond K. Pua  
RAYMOND K. PUA  
CITY CLERK

Arnold Morgado, Jr.  
ARNOLD MORGADO, JR.  
CHAIR AND PRESIDING OFFICER

Dated JUL 26 1989

ADOPTED MEETING HELD JUL 26 1989			
	AYE	NO	A/E
AMERSONIAN			
DASOTO			
DOD			
PELLI			
CHAI			
KAHANA			
KIM			
MANSHO			
MORGADO			
	9	0	0

Reference:

Report No. CMC-139

Resolution No.  
89-340

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## RESOLUTION

GUIDELINES FOR THE SCIENTIFIC INVESTIGATION SECTION OF THE  
HONOLULU POLICE DEPARTMENT REGARDING THE SOLICITATION AND  
ACCEPTANCE OF GIFTS AND CONTRIBUTIONS.

WHEREAS, in September of 1992, the Honolulu Police  
Department established a nonprofit Forensic Science Fair in  
cooperation with the State Department of Education; and

WHEREAS, the Scientific Investigation Section of the  
Honolulu Police Department organizes and maintains the Forensic  
Science Fair; and

WHEREAS, the Forensic Science Fair is organized to provide  
for the advancement of forensic scientific inquiry by  
intermediate and high school students in the State of Hawaii; and

WHEREAS, the Forensic Science Fair provides a unique  
opportunity for students to experience "hands-on" study under the  
tutelage of Honolulu Police Department Crime Laboratory  
Criminalists and Evidence Specialists; and

WHEREAS, since the Forensic Science Fair is run entirely in-  
house, the Scientific Investigation Section relies primarily upon  
the generous gifts and contributions from individuals and  
corporations to support the Forensic Science Fair; and

WHEREAS, Resolution 86-298 provides guidelines regarding the  
solicitation and receipt of gifts by the City and its executive  
agencies and effectively prohibits members of the Honolulu Police  
Department and its Scientific Investigation Section from actively  
soliciting gifts and contributions from the community to support  
its educational programs; and

WHEREAS, the intent of this Resolution is to set forth  
guidelines under which the Scientific Investigation Section may  
work with volunteer organizations which will solicit gifts and  
contributions to support the Section's Forensic Science Fair in  
particular and the Section's youth and community programs in  
general; and

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EXHIBIT C

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## RESOLUTION

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WHEREAS, enabling the Scientific Investigation Section of the Honolulu Police Department to work with volunteer organizations is necessary for the continued success of its youth and community programs and has the salutary benefit of allowing the Section to establish direct community support and participation; and

WHEREAS, the purpose and intent of this resolution are justified in light of the benefits to be received by our youth and our community and are in keeping with the requirements of Resolution 86-298 and the Ethics Commission's Guidelines on Gifts since neither the Honolulu Police Department nor its Scientific Investigation Section will actively solicit gifts and contributions from the community; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that consistent with the purposes of Resolution 86-298, the Council hereby sets forth specific guidelines for the Scientific Investigation Section of the Honolulu Police Department, as specified in this resolution, to work with volunteer organizations which will solicit gifts and contributions for the Division's youth and community programs:

1. That the Scientific Investigation Section of the Honolulu Police Department, shall be allowed to work with volunteer organizations which will solicit gifts and contributions from individuals, community organizations, and profit or nonprofit organizations for the sole purpose of supporting the youth and community programs in the manner set forth below;

2. That this Resolution shall satisfy the requirements of subparagraph 2a of Resolution 86-298 regarding prior Council approval before soliciting gifts and contributions and submitting public notice in a newspaper of general circulation; and

BE IT FURTHER RESOLVED that the Council does hereby authorize the Scientific Investigation Section of the Honolulu Police Department to work with volunteer organizations which will solicit gifts and contributions for the Forensic Science Fair and other community programs subject to the Section's compliance with the following conditions:

1. Only the section commander of the Scientific Investigation Section and the respective supervising



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## RESOLUTION

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officers in charge of youth and community programs shall be allowed to present the program needs to the volunteer organization and only members of the volunteer organization shall be allowed to solicit gifts and contributions for the respective programs in the manner set forth below:

a. The section commander or supervising officer of the respective community program shall be allowed to meet directly with the coordinator or head of the volunteer organization and shall only present the nature and scope of the respective community program.

b. Only members of the volunteer organization shall contact potential donors to solicit gifts and contributions for the respective community program.

c. The section commander shall advise the voluntary organization in writing to primarily solicit goods and services for the youth and community programs; provided, however, should monetary gifts be received, the voluntary organization shall be requested to receive such monetary gifts in the form of bank checks made payable to the City Director of Finance and earmarked for the respective Section's youth or community program.

d. The section commander shall further inform the volunteer organization in writing that prospective donors with contracts or applications pending before the City shall not be solicited and that gifts and contributions from such donors be returned. In this regard, the volunteer organization shall be requested to maintain a record of all such gifts, contributions, and pledges received and to transmit such record to the section commander of the Scientific Investigation Section for examination.

e. The section commander shall ensure that the section commander's and/or supervising officer's normal work duties do not directly affect members of the volunteer organization and that members of the volunteer organization do not have any contracts or applications pending before the City.

f. The Scientific Investigation Section shall work with the Ethics Commission to develop additional

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## RESOLUTION

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written guidelines for approaching and presenting the youth and community program needs to the volunteer organization.

2. The Scientific Investigation Section shall be required to obtain the Council's approval of all gifts, pursuant to paragraph 3 or 4 of Resolution 86-298, whichever is applicable based on the value of the gift, and shall ensure that the gift or contribution is properly maintained, secured, and protected in such manner so as to enable the Section to return the proposed gift or contribution should the Council decide not to accept the gift;

3. Monetary gifts which are accepted by the Council shall be deposited into the General Trust Fund and be administered in accordance with Chapter 5, Article 7, of the Revised Ordinances of Honolulu;

4. Nothing in this Resolution shall be deemed to exempt the Honolulu Police Department and its Scientific Investigation Section from any provision, requirement, guideline, or standard as may be established by the Managing Director or Ethics Commission for the conduct of City employees, including but not limited to, the standards of conduct to ensure that the receipt of any gift or contribution on behalf of the City shall not give the appearance of influencing or impairing the judgement of the Honolulu Police Department in the performance of its official duties;

5. These provisions shall apply except where more restrictive ordinances, rules or administrative policies are in effect; and

## RESOLUTION

AMENDING RESOLUTION 86-298 TO PROVIDE GUIDELINES FOR THE SOLICITATION, RECEIPT AND ACCEPTANCE OF MONETARY DONATIONS FOR THE HANAUMA BAY NATURE PRESERVE.

WHEREAS, under Section 13-113 of the Revised Charter of the City and County of Honolulu 1973 (1994 Edition), the city council has the sole authority to accept gifts and donations on behalf of the city; and

WHEREAS, Chapter 6, Article 5, Revised Ordinances of Honolulu 1990, creates the general trust fund into which all voluntary monetary donations shall be deposited and used for the purposes for which the moneys are received, unless otherwise specified by law; and

WHEREAS, Resolution 86-298 establishes guidelines for city agencies to follow when soliciting and receiving gifts, and those guidelines, in part, require that:

- (1) The agency receiving the gift shall prepare a written report identifying the name and address of the donor, its intended purpose, and its estimated or actual value, and shall submit the report to the council for its approval and acceptance;
- (2) The agency shall notify the donor that the acceptance of the gift is conditioned upon its formal acceptance by the council; and
- (3) A gift may not be expended until the council has approved its acceptance;

and

WHEREAS, the mayor has requested, via Mayor's Message No. 41, 1996, that the council accept \$145,748.45 that visitors donated for the Hanauma Bay Nature Preserve during the months of January and February, 1996, to be used for the park's operation, maintenance and preservation and for the educational programs at the bay; and

WHEREAS, the gift policy guidelines in Resolution 86-298 do not specifically address the anonymous monetary gifts donated for the Hanauma Bay Nature Preserve; and

WHEREAS, the purpose and intent of this Resolution is to amend Resolution 86-298 to establish additional policy guidelines for the solicitation, receipt and acceptance of anonymous

per Res 05-349  
guidelines in  
this res are  
separate from  
Res 86-298  
and continue  
in force after  
repeal of  
86-298

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## RESOLUTION

monetary donations for the Hanauma Bay Nature Preserve so that donations already received may be deemed accepted by the council and future donations may be solicited, received and accepted in accordance with established guidelines; now, therefore,

BE IT RESOLVED by the council of the City and County of Honolulu that Resolution 86-298 is amended to provide for the following additional policy guidelines which shall govern the solicitation, receipt and acceptance of monetary donations for the Hanauma Bay Nature Preserve:

5. Anonymous monetary donations for Hanauma Bay Nature Preserve
  - a. All monetary donations that are collected from the public at large in any receptacle labelled as a donation box at the preserve shall be deemed accepted by the council. The solicitation and receipt of all other gifts relating to the Hanauma Bay Nature Preserve shall be subject to the gift policy guidelines set forth in paragraphs 1 to 4 of Resolution 86-298.
  - b. The monetary donations for the Hanauma Bay Nature Preserve shall be promptly deposited into the general trust fund or any other special account or fund established for the purpose of receiving monetary donations collected in the donation box at the preserve. The monetary donations received shall be expended for the preserve's operation, maintenance, and improvement, for the preservation of the bay, and for its educational programs.
  - c. A written report of the amount of monies collected in the donation box at the preserve shall be submitted to the council on or before the second Tuesday after the close of each quarter.

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

RESOLUTION 05-349, CD1, FD1

Introduced: 10/21/05 By: CHARLES DJOU

Committee: EMLA

Title: RESOLUTION REVISING THE GUIDELINES FOR THE SOLICITATION AND RECEIPT OF GIFTS ON BEHALF OF THE CITY, SUPERSEDING RESOLUTION 86-298 AND RESOLUTION 05-049, AND AMENDING RESOLUTIONS 89-340, 94-23, AND 96-168.

Links: [RES 05-349](#)  
[RES05-349, CD1](#)  
[RES05-349, CD1, FD1](#)

EMLA	10/27/05	RESOLUTION DEFERRED IN COMMITTEE.			
EMLA	02/02/06	RESOLUTION DEFERRED IN COMMITTEE.			
EMLA	02/23/06	CR-138 - RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION AS AMENDED IN CD1 FORM.			
COUNCIL	03/01/06	CR-138 ADOPTED. RESOLUTION 05-349, CD1 FURTHER AMENDED TO 05-349, CD1, FD1 ON COUNCIL FLOOR AND SUBSEQUENTLY ADOPTED AS AMENDED (05-349, CD1, FD1)			
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y	

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.

  
DENISE C. DE COSTA, CITY CLERK

  
DONOVAN M. DELA CRUZ, CHAIR AND PRESIDING OFFICER